

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

REGULATION 2 - PERMITS

RULE 3 - POWER PLANTS

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**REGULATION 2
PERMITS
RULE 3
POWER PLANTS**

2-3-100 GENERAL

2-3-101 Description: This Rule contains special provisions relating to the procedures for the review and standards for the approval of authorities to construct power plants within the District, for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission (Commission).

2-3-200 DEFINITIONS

2-3-201 Determination of Compliance: A decision by the APCO, made following a review of applicable data, conducted in a manner that is identical to the review conducted to establish the eligibility of a person to receive an authority to construct a stationary source subject to Rule 2 of this Regulation.

2-3-300 STANDARDS

2-3-301 Authority to Construct a Power Plant: An authority to construct a power plant shall be issued only upon the issuance by the APCO of a Determination of Compliance, and the submittal of the Determination of Compliance to the Commission.

2-3-302 Permit to Operate a Power Plant: The APCO shall issue a permit to operate a power plant if the applicant has received certification pursuant to an AFC and, after construction, the power plant is in compliance with all conditions of the certificate and the authority to construct.

2-3-400 ADMINISTRATIVE REQUIREMENTS

2-3-401 NOI Proceedings: Within 14 days of receipt of a NOI, the APCO shall notify the ARB and the Commission of the District's intention to participate in the NOI proceedings. If the District chooses to participate in the NOI proceedings, the APCO shall prepare and submit a report to the ARB and the Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 2-5-509.5 of the Public Resources Code. That report shall include, at a minimum:

401.1 A preliminary specific definition of BACT for the proposed power plant.

401.2 A preliminary discussion of whether there is substantial likelihood that the requirements of District Regulations can be satisfied by the proposed power plant.

401.3 A preliminary list of conditions which the proposed power plant must meet in order to comply with District regulations.

2-3-402 AFC Proceedings: Upon receipt of an AFC, the APCO shall determine whether the information contained therein is sufficient to undertake a Determination of Compliance review. If not, the APCO shall, within 20 days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal. The APCO may also request from the applicant any information necessary for the completion of the Determination of Compliance review. If the information is not supplied, the APCO may petition the presiding Commissioner for an order directing the applicant to provide such information.

2-3-403 Preliminary Decision: Within 180 days of accepting an AFC as complete, the APCO shall conduct a Determination of Compliance review and make a preliminary decision as to whether the proposed power plant meets the requirements of District regulations. If so, the APCO shall make a preliminary determination of conditions to be included in the Certificate, including specific BACT requirements and a description of mitigation measures to be required.

2-3-404 Public Notice, Comment and Public Inspection: The preliminary decision made pursuant to Section 23403 shall be subject to the public notice, public comment and public inspection requirements contained in Section 2-2-406 and 407 of Rule 2.

2-3-405 Determination of Compliance, Issuance: Within 240 days of the acceptance of the AFC as complete, the APCO shall issue and submit to the commission a Determination of Compliance. If the Determination of Compliance cannot be issued, the APCO shall so advise the Commission. When the AFC is approved by the Commission, the APCO shall ascertain whether the Certificate contains all applicable conditions. If so, the APCO shall grant an authority to construct.